

1 Mail Stop Interference  
2 P.O. Box 1450  
3 Alexandria Va 22313-1450  
4 Tel: 571-272-4683  
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Paper 1  
Filed: September 14, 2010

6  
7 UNITED STATES PATENT AND TRADEMARK OFFICE

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9  
10 BEFORE THE BOARD OF PATENT APPEALS  
11 AND INTERFERENCES  
12

13  
14 GLENN W. CONNERY, GARY JASZEWSKI and RICHARD REID  
15 Junior Party  
16 (Patent 6,246,683),

17 v.

18 LAURENCE B. BOUCHER, STEPHEN E. BLIGHTMAN, PETER K.  
19 CRAFT, DAVID A. HIGGEN, CLIVE M. PHILBRICK and  
20 DARYL D. STARR  
21 Senior Party  
22 (Application 09/692,561).  
23

24  
25 Patent Interference No. 105,775 (JL)  
26 (Technology Center 2400)  
27

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29 DECLARATION – Bd.R. 203(b)<sup>1</sup>  
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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           Part A. Declaration of interference

2           An interference is declared (35 U.S.C. § 135(a)) between the above-  
3 identified parties. Details of the application(s), patent (if any), reissue  
4 application (if any), count(s) and claims designated as corresponding or as  
5 not corresponding to the count(s) appear in Parts E and F of this  
6 DECLARATION.

7           Part B. Judge managing the interference

8           Administrative Patent Judge Jameson Lee has been designated to  
9 manage the interference. Bd. R. 104(a).

10          Part C. Standing order

11          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies  
12 this DECLARATION. The STANDING ORDER applies to this  
13 interference.

14          Part D. Initial conference call

15          A telephone conference call to discuss the interference is set for 1:00  
16 p.m. on November 4, 2010 (the Board will initiate the call).

17          No later than four business days prior to the conference call, each  
18 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R.  
19 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

1 A sample schedule for taking action during the motion phase appears  
2 as Form 2 in the STANDING ORDER. Counsel is encouraged to discuss the  
3 schedule prior to the conference call and to agree on dates for taking action.

4 A typical motion period lasts approximately eight (8) months. Counsel  
5 should be prepared to justify any request for a shorter or longer period.

6 Part E. Identification and order of the parties  
7

8 Junior Party

9 Named Inventors: GLENN W. CONNERY, Sunnyvale, California

10 GARY JASZEWSKI, Los Gatos, California

11 RICHARD REID, Mountain View, California

12 Involved Patent: 6,246,683 issued June 12, 2001, based on  
13 application 09/071,692 filed May 1, 1998.  
14

15  
16 Title: Receive Processing with Network Protocol Bypass  
17

18 Assignee: 3COM CORPORATION  
19

20 Senior Party  
21

22 Named Inventors: LAURENCE B. BOUCHER, Saratoga, California

23  
24 STEPHEN E. BLIGHTMAN, San Jose, California

25  
26 PETER K. CRAFT, San Francisco, California

27  
28 DAVID A. HIGGEN, Saratoga, California

29  
30 CLIVE M. PHILBRICK, San Jose, California

DARYL D. STARR, Milpitas, California

Involved Application: 09/692,561 filed October 18, 2000.

Title: Intelligent Network Interface System and Method  
for Accelerated Protocol Processing

Assignee: ALACRITECH, INC.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Boucher's Claim 41

or

Connery's Claim 1

Count 2

Boucher's Claim 44

or

Connery's Claim 4

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Count 3

Boucher's Claim 45

or

Connery's Claim 3

The claims of the parties which correspond to Count 1 are:

Boucher: 41-43, 48 and 49

Connery: 1-3, 8 and 9

The claims of the parties which correspond to Count 2 are:

Boucher: 44

Connery: 4

The claims of the parties which correspond to Count 3 are:

Boucher: 45-47

Connery: 5-7

The claims of the parties which do not correspond to Count 1 are:

Boucher: 44-47

Connery: 4-7

The claims of the parties which do not correspond to Count 2 are:

Boucher: 41-43 and 45-49

Connery: 1-3 and 5-20

1           The claims of the parties which do not correspond to Count 3 are:

2                   Boucher:           41-44, 48 and 49

3                   Connery:          1-4 and 8-20

4           The parties are accorded the following benefit for Count 1:

5                   Boucher:           Application 09/067,544, filed April 27,  
6                                       1988, now Patent 6,226,680, issued May 1,  
7                                       2001; and

8  
9                                       Provisional Application 60/061,809, filed  
10                                      October 14, 1997.

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12                  Connery:          None

13          The parties are accorded the following benefit for Count 2:

14                  Boucher:           Application 09/067,544, filed April 27,  
15                                       1988, now Patent 6,226,680, issued May 1,  
16                                       2001; and

17  
18                                       Provisional Application 60/061,809, filed  
19                                      October 14, 1997.

20  
21                  Connery:          None

22          The parties are accorded the following benefit for Count 3:

23                  Boucher:           Application 09/067,544, filed April 27,  
24                                       1988, now Patent 6,226,680, issued May 1,  
25                                       2001; and

26  
27                                       Provisional Application 60/061,809, filed  
28                                      October 14, 1997.

29  
30                  Connery:          None

1           Part G. Heading to be used on papers

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3           The following heading must be used on all papers filed in this  
4 interference, see SO ¶ 106.1.1:

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6           UNITED STATES PATENT AND TRADEMARK OFFICE

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9           BEFORE THE BOARD OF PATENT APPEALS  
10           AND INTERFERENCES

11

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13           GLENN W. CONNERY, GARY JASZEWSKI and RICHARD REID  
14                           Junior Party  
15                           (Patent 6,246,683)

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17                           v.

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20           CRAFT, DAVID A. HIGGEN, CLIVE M. PHILBRICK and  
21                           DARYL D. STARR  
22                           Senior Party  
23                           (Application 09/692,561)

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25

26                           Patent Interference No. 105,775 (JL)  
27                           (Technology Center 2400)

## 1 Part H. Order form for requesting file copies

2

3 When requesting copies of files, use of SO Form 4 will greatly

4 expedite processing of the request. Please attach a copy of Parts E and F of

5 this DECLARATION with a hand-drawn circle around the patents and

6 applications for which a copy of a file wrapper is requested.

7

8 /ss/ Jameson Lee

9 Administrative Patent Judge

10

11

12      Enc:

13 Copy of STANDING ORDER

14 Revised 3 January 2006



1 cc (via overnight delivery):

2 Attorney for Connery:

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